

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:21-cv-00005-MR-WCM

IRVIN DONNELL COSTON,)
Plaintiff,)
vs.)
KILOLO KIJAKAZI, Acting)
Commissioner of Social Security,)
Defendant.)

ORDER OF REMAND

THIS MATTER is before the Court on the Defendant's Consent Motion for Remand. [Doc. 11]. The Plaintiff consents to the Defendant's motion. [Id. at 1].

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” The Defendant here has moved for reversal of the decision below and for a remand of this case for further administrative proceedings. For the reasons stated in the Defendant’s motion, and in light of the Plaintiff’s

consent, the Court finds that remand is appropriate. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

IT IS, THEREFORE, ORDERED that the Defendant's Consent Motion for Remand [Doc. 11] is **GRANTED**.

IT IS FURTHER ORDERED that, pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), the decision of the Commissioner of Social Security is hereby **REVERSED**, and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

IT IS SO ORDERED.

Signed: September 13, 2021



Martin Reidinger
Chief United States District Judge

